

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON**

**RACHEL MILLER, VIRGINIA  
SIMONIN, individually, and on behalf of  
others similarly situated,**

Plaintiffs,

v.

**WINCO FOODS, LLC,**

Defendant,

Case No. 3:19-cv-02094-AC

**ORDER**

**IMMERGUT, District Judge.**

On September 3, 2020, Magistrate Judge John Acosta issued his Findings and Recommendation (F&R), ECF 26. The F&R recommends that this Court deny Defendant Winco Foods, LLC's Motion to Dismiss, ECF 13. No party has filed objections.

**DISCUSSION**

Under the Federal Magistrates Act ("Act"), as amended, the court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge."

28 U.S.C. § 636(b)(1). If a party objects to a magistrate judge's F&R, "the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made." *Id.* But the court is not required to review, de novo or under any other standard, the factual or legal conclusions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149–50 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc). Nevertheless, the Act "does not preclude further review by the district judge, *sua sponte*" whether de novo or under another standard. *Thomas*, 474 U.S. at 154.

No party having filed objections, this Court has reviewed the F&R and accepts Judge Acosta's conclusions. The F&R, ECF 26, is adopted in full. Defendant's Motion to Dismiss, ECF 13, is DENIED.

**IT IS SO ORDERED.**

DATED this 12th day of November, 2020.

/s/ Karin J. Immergut  
Karin J. Immergut  
United States District Judge